

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419

Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

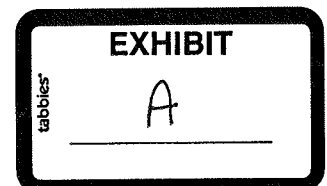
All Actions

[PROPOSED] MDL ORDER #

The Court understands that some state statutes, for example Tenn. Code Ann. § 29-26-121 and similar statutes, and/or the Federal Rules of Civil Procedure impose deadlines for curing service or pre-suit notice defects in some instances. This order is intended to address the need for plaintiffs to have an opportunity to cure (if curable) any alleged deficiencies in serving complaints or satisfying pre-suit notice requirements given that the deadlines for defendants to answer or otherwise respond to complaints has been extended. Accordingly, it is ordered that:

For any case pending in this Court or subject to transfer to this Court against an Unaffiliated Defendant, who has not previously filed a Notice of Participation in the Mediation Program, on or before December 20, 2013, such an Unaffiliated Defendant that wishes to assert a defense of insufficiency of process or failure to satisfy pre-suit notice requirements pursuant to state law shall identify the following, by either (1) a letter sent to the Plaintiffs' Steering Committee by January 10, 2014, or (2) a "master" motion to dismiss filed by January 10, 2014:

1. The case name and civil action number,
2. A brief description of the alleged problem with service of process; and
3. A brief description of the alleged problem/insufficiency in satisfying state-law pre-suit notice requirements.



As to any Unaffiliated Defendant subject to this Order who fails to provide the letter or file the “master” motion to dismiss by January 10, 2014, the time requirements for curing any service and pre-suit notice requirements (including any statute of limitations) shall be tolled from January 10, 2014, against such a defendant until such defendant provides the information required by this order.

So Ordered this _____ day of _____, ____.

F. Dennis Saylor IV
United States District Judge